IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

LA.App..No. 575 of 2005()

LAR.280/2000 OF THE SUB COURT, KOZHIKODE

APPELLANT: RESPONDENTS NO.1 & 2
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1. STATE OF KERALA, REP. BY THE
SPECIAL TASHILDAR (LA), NH NO.1,
KOZHIKODE.

2. THE EXECUTIVE ENGINEER,
N.H.DIVISION, KOZHIKODE.

BY GOVERNMENT PLEADER SRI.K.V.MANOJ KUMAR

RESPONDENT:CLAIAMANT

N.T.KESAVAN NAIR, SECRETARY,
AZHATHIRIKKOVIL VISHNU TEMPLE,
NEAR T.P.KUMARAN NAIR ROAD, CALICUT-16.

BY ADV. SRI.P.V.KUNHIKRISHNAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 09/04/2007 ALONGWITH L.A.A.NO.1195 OF 2003 AND CONNECTED APPEALS, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T. SANKARAN, JJ.

L.A.A. NOs. 575 OF 2005,1195, 1202 & 1392 of 2003, 216, 411 & 650 of 2004, 47, 112, 286, 290, 344, 355, 373, 425, 432, 436, 452, 539, 561, 603, 611, 705, 721, 854, 855, 862, 1224, 1383 & 1536 of 2005.

Dated this the 9th day of April, 2007

JUDGMENT

Kurian Joseph, J.

These appeals are against the judgment and decree in various land acquisition cases on the file of the Sub Court, Kozhikode. The acquisition is for the purpose of National Highway Bypass, Kozhikode. It is not in dispute that the acquired properties covered by these cases are similar and similarly situated as the property covered by L.A.A.No.774 of 2006, filed against the judgment and decree in L.A.R.No.479 of 1997. We have already found that the fixation of market value at Rs.60,000/- per cent is just, proper and reasonable. The Reference Court, we find, in these cases has taken note of the comparative advantages and disadvantages of the acquired property with that of the property covered by L.A.R.No.479 of 1997 and has accordingly reduced the

land value proportionate to the disadvantages. It is not in dispute that except in L.A.A.No.129 of 2006, value is fixed above Rs.60,000/- per cent. We find that in L.A.A.No.129 of 2006 the Reference Court is justified in fixing the market value at Rs.65,000/- per cent, since Section 4(1) notification in this case is in 1998 whereas Section 4(1) notification in L.A.R.No.479 of 1997 is in 1993.

In view of the undisputed factual position as above and for parity of reasons as stated in L.A.A.No.774 of 2006, all these appeals are dismissed.

(KURIAN JOSEPH)
Judge

(K.T.SANKARAN)
Judge

ahz/

KURIAN JOSEPH&
K.T.SANKARAN, JJ.

L.A.A. NOs. 575 OF 2005,1195, 1202 & 1392 of 2003, 216, 411 & 650 of 2004, 47, 112, 286, 290, 344, 355, 373, 425, 432, 436, 452, 539, 561, 603, 611, 705, 721, 854, 855, 862, 1224, 1383 & 1536 of 2005

JUDGMENT

9th April, 2007